

In this application, claims 1-17 are currently pending. Claims 18 and 19 were introduced by preliminary amendment and are reintroduced in this Office Action Response. Claims 1-2 have been allowed and the Examiner indicated the allowablilty of claims 15 and 16 if rewritten to include the limitations of base claims. New independent claims 20-21 have been added to meet this requirement and they correspond to Claim 15 and 16 respectively. Entry of these amendments is respectfully requested.

Rejection under 35 U.S.C. §103

The Examiner has rejected claims 3-14 and 17 as being unpatentable over JP '341 in view of GB '166. The essence of the Examiners argument is that one of ordinary skill would substitute the "wings" of JP'341 for the "helix" of GB' 166.

Applicant's respectfully disagrees, and notes that the JP'341 device is streamlined for operation in air. The device forces solids to the outer wall of the device for extraction. If the same teaching were applied to blood the device would extract cells from plasma which is not the applicants invention. The GB' 166 reference extracts bubbles from a heated coolant. Presumably the bubbles are "boiling" coolant. The entire device is closed and under considerable pressure. By way of contrast applicants invention handles the blood very gently and the structures called for in the claims remove small bubbles while leaving the blood solids in suspension in contrast to the teaching of JP '341. Applicants submit that there is no motivation to combine the references and to remove them from their context and to use them in the blood treatment art. In applicant's view it is only hindsight drawn from the applicants teaching that suggests any workable combination of the references. Applicant's claims call for structures which treat the blood with care while extracting the very small bubbles that could cause embolization such as stroke. Reconsideration of the rejection is requested.

Allowable Subject Matter:

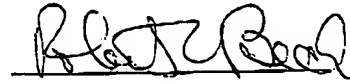
The Applicant notes that the Examiner has found claims 15 -16 allowable if rewritten. Claims 20-21 are new independent claims based upon these claims. The Applicant also notes with appreciation that claims 1-2 have been allowed.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully Submitted,
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By its attorneys:

Date: 2/28/00



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Restor Ben

Applicant: Alex Brockhoff
Title: Method and Device for Removing Gas From Gas
Containing Blood
Filed: September 26, 1997
Attorney Reference: 1267
Attorney Client: Convergencia Aktiengesellschaft
Serial Number: 08/938,173

THIS WILL ACKNOWLEDGE RECEIPT OF THE FOLLOWING IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

- A Fee Transmittal;
- Transmittal Sheet containing a certificate of mailing;
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